

RESOLUTION NO. 2009-23

A RESOLUTION declaring certain real property, commonly known as the Weaver Avenue Well Site to be surplus to the needs of the City of Bainbridge Island and authorizing the sale of such property.

WHEREAS, the Weaver Avenue Well Site (Parcel No. 272502-4-035-2005) legally described on Exhibit A attached hereto and made a part hereof by this reference (the "Property") has two City non-potable wells most recently used by the City for use in the City's operations; and

WHEREAS, the Property is surplus to the needs of the City; and

WHEREAS, an ad hoc committee of the City Council has recommended that the Property be declared surplus and sold; and

WHEREAS, the ad hoc committee of the City Council has recommended that the City retain the underlying water rights; and

WHEREAS, the ad hoc committee of the City Council has further recommended that the City retain an access and utility easement for monitoring the wells; and

WHEREAS, the ad hoc committee of the City Council recommends that the property be listed for sale by a real estate agent through a multiple listing service; and

WHEREAS, the sale price of the Property will be based upon a professional appraisal; and

WHEREAS, the City has conducted a public hearing on September 2, 2009 regarding the sale of the Property; and

WHEREAS, the City Council finds that it is in the best interest of the City of Bainbridge Island to declare the Property surplus and authorize its sale, pending completion of the SEPA review process, now, therefore,

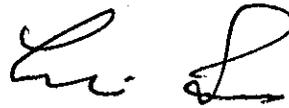
THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

1. The Weaver Avenue Well Site, legally described on attached and incorporated Exhibit A, is hereby declared surplus to the needs of the City of Bainbridge Island.
2. It is in the best interest of the citizens of Bainbridge Island to sell said surplus property.
4. The sale of the Property shall be contingent upon the sale completing environmental review in accordance with the State Environmental Policy Act and the expiration of the SEPA appeal period.
5. The City shall retain the underlying water rights and an access and utility easement for monitoring the wells.
6. A negotiated sale with one or more nonprofit providers of affordable housing shall be attempted first and if not successful, the Property may then be listed through a multiple listing service.
7. The sale price of the property will be based upon a professional appraisal of the value of the Property with the recognition that the final sales price may be lower than the appraised value by a factor of up to ten percent (10%), or that the purchase price may be higher than the appraised value.

8. The City Manager, and his designees, are hereby authorized to take all necessary and appropriate steps to sell and transfer said property in accordance with applicable federal, state and local law, including negotiation and execution of all contracts, real estate purchase and sale agreements, and other legal documents required to sell the Property.

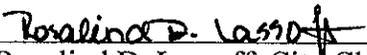
PASSED by the City Council this 2nd day of September, 2009.

APPROVED by the Mayor this 11th day of September, 2009.



Christopher Snow, Mayor

ATTEST/AUTHENTICATE:


Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: August 25, 2009

PASSED BY THE CITY COUNCIL: September 2, 2009

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EXHIBIT A

**PT OF NW 1/4 SE 1/4 THE E 200FT OF W 215FT OF S 200FT OF NW 1/4 NW 1/4 SE 1/4
EX RD**